AN ORDINANCE OF THE LORDS and COMMONS Assembled in PARLIAMENT:

FOR The repairing of CHURCHES, and paying of all Church-Duties Whatsoever within the Kingdome of *England*, and Dominion of *Wales*.

Die Mercurii, 9 *Februarii*. 1647.

ORdered by the Lords Assembled in Parliament, That this Ordinance for repairing of Churches, and paying of Church-Duties, be forthwith printed and published and sent to all Churches and Chappels within the Kingdome of England *and Dominion of* Wales.

Joh. Brown, Cler. Parliamentorum.

Imprinted at London for *John Wright* at the Kings Head in the old Bayley. 1647.

AN

ORDINANCE

OF THE

LORDS and COMMONS

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Building of all

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England and Dominion of Wales.

Die Martis 9 Februarii, 1647.

Imprinted at London for John Wright at the

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Die Mercurii, 9 Februarii. 1647.

An Ordinance for repairing Churches, and for payment of Church-Duties.

FOr the upholding and keeping all Pariſh Churches and Chappels within this Kingdome of *England* and Dominion of *Wales* from utter ruine and decay, and for payment of Church Duties, It is Ordered and Ordained by the Lords and Commons Aſſembled in Parliament, That foure, three, two, or one ſubſtantiall Inhabitant or Inhabitants of every Pariſh or Chappelry aforeſaid, (having reſpect to the proportions or greatneſſe of every ſuch Pariſh or Chappelry) ſhall be nominated and choſen yearly on the Munday or Tueſday in Eaſter weeke, by the Pariſhioners of every Pariſh or Chappelry, (which are or ſhall be rateable to the repaire of any ſuch Church or Chappell) or the greateſt part of ſuch of them as ſhall be then aſſembled for the choyce of Officers within the Pariſh or Chappelry) to be Church-warden, or Churchwardens, or Collectors of moneyes for Church-Duties, within every ſuch Pariſh or Chappelry reſpectively, where any ſuch Church-warden or Church-wardens, have or hath been formerly uſed to be nominated or choſen; or in default hereof, every ſuch Pariſh or Chappelry ſhall forfeit the

the ſumme of forty ſhillings, to the uſe of the poore of the ſaid pariſh, to be recovered as is hereafter expreſſed; which church-wardens or collectors ſo to be choſen, are within one moneth after their choyce to be allowed and approved of under the hands and ſeales of two of the next Juſtices adjoyning to the pariſh or chappelry aforeſaid.

And it is further Ordained, That the church-wardens, or collectors aforeſaid, together with the Overſeers of the poore of the ſame pariſh or chappelry, or the greater part of them, upon publike notice thereof firſt to be given by the church-wardens in the ſaid church or chappell, ſhall from time to time make rates or aſſeſſements, by taxation of every Inhabitant dwelling or reſiding within ſuch pariſh or chappelry, and of every Occupier of lands, houſes, tythes impropriate, or impropriation of tythes, colemines, or ſaleable underwoods, or other hereditaments, within the ſaid pariſh or chappelry, in ſuch competent ſumme and ſummes of money as they ſhall think fit, for and towards the reparation and maintenance of every ſuch pariſh church or chappell reſpectively, and providing of Books for the ſaid church or chappell, and of Bread and Wine to be uſed at the adminiſtration of the Sacrament there, and for repairing the walls and incloſures of the church yards, or burying places thereunto reſpectively belonging, and for doing and performing every ſuch thing and things as by this Ordinance is appointed to be done, at the charge of ſuch pariſh or chappelry; As alſo for the doing and executing of all and every matter, which to the office, place, or duty of the church-wardens of any ſuch place wherein they

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ſhall be reſpectively choſen, ſhall appertaine to be done; which ſaid church-warden or church-wardens ſhall within foure dayes after the end of their yeare, and after other church-warden or church-wardens nominated, make and yeeld to the ſucceeding church-wardens, and to ſuch Juſtices of the Peace as aforeſaid, a true and perfect accompt of all ſums of money by them received, or rated and aſſeſſed, and not received; and of all other things concerning their ſaid Office; and ſuch ſum or ſums of money as ſhall be in their hands, ſhall pay and deliver over to the ſaid churchwarden or churchwardens newly nominated and appointed as aforeſaid, upon paine that every one of them being negligent or faulty therein, or in the execution of their ſaid Office, ſhall forfeit for every ſuch default or negligence, the ſum of twenty ſhillings to the uſe of the poore of ſuch pariſh or chappelry, as aforeſaid, whereof he ſhall be churchwarden. And it is Ordained by the Authority aforeſaid, That all Rates, Taxations; and Aſſeſſements, heretofore made by the church-warden or church-wardens of any pariſh or chappelry aforeſaid, by themſelves or with others, according to the cuſtome of ſuch pariſh or chappelry, ſince the firſt day of March in the yeare of our Lord God 1641. for or towards the repaire of any church or chappell reſpectively, or doing of any thing appointed by this Ordinance to be done, if they ſhall now be confirmed by the two next Juſtices of the Peace, they ſhall ſtand, and be as good and effectuall in the Law, to all intents and purpoſes as if the ſame were to be made or done by and according to this Ordinance: And that it ſhall and may be lawfull, as well for the preſent

as ſubſequent Church-warden, or Collectors, or any of them, their Rates being firſt confirmed by the two next Juſtices of the Peace, by Warrant under the hands and ſeals of two ſuch Juſtices of the Peace within ſuch County or Townes corporate, to leavie as well all and every the ſaid ſummes of money, and all Arrerages of every one which ſhall refuſe, or neglect to pay or contribute their rateable parts of ſuch Aſſeſſements as aforeſaid, and the forfeitures before mentioned by Diſtreſſe, and ſale of the Offenders goods, as alſo all and every the ſumme and ſummes of Money which ſhall be behinde upon any Church-wardens Accompt, for, or concerning the repaire of any ſuch Church or Chappell, or other the things aforeſaid; and likewiſe the ſumme of two ſhillings for and towards the charge and expence in leavying of the ſame, rendering to the party or parties the overplus; and in default of ſuch Diſtreſſe it ſhall be lawfull for any two ſuch Juſtices of the Peace to commit him, or her, or them ſo refuſing, or neglecting as aforeſaid, to the common Goale of the County, City, or Towne corporate reſpectively, where ſuch Juſtices of the Peace are, and ſuch offences ſhall be committed, there to remaine without Bayle or Mainprize untill payment of the ſaid ſeverall ſummes and Arrerages; and to commit to the ſaid Priſon, every one of the ſaid Church-wardens which ſhall refuſe to accompt, there to remaine without Bayle or Maine-prize untill he hath made a true Accompt, and ſatisfied and paid ſo much as upon the ſaid Accompt ſhall be remaining in his hands. Provided alwaies, That if any perſon or perſons ſhall finde him, or her, or themſelves agrieved with any

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Aſſeſſement, or Tax, or other act done by the ſaid Church-warden or Church-wardens or by the ſaid Juſtices of the Peace, or any of them, that then it ſhall and may be lawfull for the party grieved to complaine thereof at the next generall Quarter Seſſions of the Peace, where the Juſtices of the Peace, or the greater number of them ſhall make ſuch order therein as to them ſhall be thought convenient, and the ſame to conclude and binde all the ſaid parties.

And be it further Ordained, that the Mayors, Bayliffs, or other head Officers of every City, Town, or place corporate within this Realme, or the Dominion of *Wales*, being Juſtice, or Juſtices of the Peace, ſhall have the ſame authority by vertue of this Ordinance within the ſeverall limits, and precincts of their jurisdictions, as well out of Seſſions as at their Seſſions, if they ſhall hold any, as is before limited, preſcribed, and appointed to Juſtices of the Peace of the County, or any two or more of them, or to the Juſtices of the Peace in their Quarter Seſſions to doe, and execute for all the uſes and purpoſes in this preſent Ordinance preſcribed, and no other Juſtice, or Juſtices of the Peace to intermeddle there; and that every Alderman of the City of *London* within his Ward ſhall and may doe and execute in every reſpect ſo much as is appointed and allowed in this Ordinance to be done and executed by one or two Juſtices of the Peace of any county within this Realme. And be it alſo Ordained, That if it ſhall happen that any Pariſh do extend it ſelfe into more counties then one, or part thereof to lye within the Liberties of any City, Town, or place corporate, and part without, that then the

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Justices of the Peace of every county, as also the head Officer, or Officers, or Justices of the Peace of such City, Towne, or place corporate, shall deale and intermeddle onely in so much of the said Parish as lyeth within their Liberties, and not any further; and every of them respectively within their severall Limits, Wards, and Jurisdictions, to execute the Ordinance aforementioned concerning the confirming of Rates, the giving of Warrant for the leavying of Taxes unpaid, the committing to prison such as refuse or neglect to pay their rateable part of the said Assessements having no sufficient Distresse, the taking Accompts of Church-wardens, and the committing to Prison such as refuse to accompt, or deny to pay the Arrerages due upon their Accompts; and yet nevertheless the Church-wardens, or the greatest number of them of the said Parishes extending into such severall Limits & Jurisdictions, shall without dividing themselves duly execute their office in all places within their said Parish in all things to them belonging; and shall duly exhibit and make one accompt before the head Officer, or Officers, or Justices of the peace of such Towne, or place Corporate, and one other before the Justices of the said County, or any such two of them as is aforesaid.

And be it further Ordained, that if any action of trespasse, or other suit shall happen to be attempted, or brought against any person, or persons, for taking any distresse, or making any sale, or any other thing doing by the authority of this present Ordinance, the defendant or defendants in any such action or suit, and all others which in their aide and assistance or by their commands shall do any act or thing

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touching or concerning the premisses, or any of them, or his or their Officer, or Officers, it shall and may be Lawfull for them, and every of them to plead the generall issue, that he or they are not guilty, and to give such speciall matter in evidence to the Jury which shall try the same, which speciall matter being pleaded had bin a good and sufficient matter in Law to have discharged the said defendant or Defendants of the Trespasse or other matter laid to his charge, and that if upon the triall of any such Action or Suit, the plaintiffe or plaintiffes shall not prove to the Jury which shall try the same, that the fact or cause of his or their Action or Suit, was, or were had, made, committed, or done within the County wherein such Action, or Suit shall be laid, That then in every such case the Jury which shall try the same shall finde the defendant or defendants in every such Action or Suit not guilty, without having any respect or regard to any evidence given by the Plaintiffe or Plaintiffes therein, touching the Trespasse, fact, or cause, for which the same Action or Suit is or shall be brought, and that if the verdict shall passe with the said defendant or defendants in such Action, or the Plaintiffe or Plaintiffes therein become non-suit, or suffer any discontinuance thereof, that in every such case the Justice or Justices, or such other Judge, or Court before whom the said matter shall be tryed or depending, shall by force and vertue of this Ordinance allow unto the defendant or defendants his or their double costs which he or they shall have sustained by reason of his or their wrongfull vexation in defence of the said Suit or Action, for which the said defendant or de-

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fendants, shall have like remedy, as in other cases where cost by the Law of this Realm are given to the defendants: & for as much as the Churchwardens or Collectors aforesaid may peradventure be careleſſe or negligent in performing their duty, it is further Ordered and Ordained, that upon complaint made to the two next Justices, or one of them, or other information had thereof, the aforesaid Justices, or one of them, shall or may in their owne persons view the said Churches or Chappells, or appoint the Minister, and some other of the parishioners to certifie unto them, or one of them, what reparations are or shall be needfull, and thereupon they or one of them shall by a Warrant under their hand and seales to the Church-wardens order and direct what reparations shall be done within the said churches or chappells, & limit and appoint the time for the doing of the same; and if the Order aforesaid be not performed, they shall binde over the said churchwardens or collectors, or any of them, for their negligence herein to the next Sessions of the peace, where if the court shall allow of the Order the Offender or Offenders upon due proofe of his or their negligence or offence herein shall be severally fined, so as the fine exceeds not forty shillings upon any one of them, and the offender is to be committed untill the fine be paid, which is to be disposed of to the use of the Poore of the said Parish or Chappelrie. Provided alwaies, and it is the intent and meaning of the said Ordinance, that the Parishioners, and the church-wardens of any Parish or chappelrie shall not be charged with, or liable unto the repayring of any chancell or chancells, or of any particular Isle in churches or chappells,

pells, which have formerly by preſcription, or cuſtom bin uſed to be repaired by the Parſons or Vicars, Impropriators, or others, but that the ſaid Parſons, Vicars, Impropriators, and all other perſons whatſoever both politique and corporate, their heires and ſucceſſors, which have formerly beene lyable to the reparations of all or any part of any church, chappell, chancell, Iſle, or other place belonging to the ſame by any cuſtome whatſoever, ſhall ſtill bee lyable to the ſame to all intents and purpoſes; and for their negligence herein ſhall and may be Ordered by the two next Juſtices, or ſhall or may be preſented, or indicted by the churchwardens or any others, at the next Seſſions of the Peace, where the offender for his offence herein ſhall be fined and proceeded againſt in ſuch manner as the church-warden for his negligence is to be proceeded againſt by vertue of [illegible] Ordinance. Provided alſo, where any pariſh, or chappelrie hath any Lands or Tenements or yearely Rents, or Annuities formerly given to the repairing of their churches or chappells and for Church-Duties, the church-wardens or collectors aforeſaid ſhall be from henceforth Receivers of the ſaid Rents and profits, and ſhall have power by Warrant from the Juſtices to cauſe the parties who ought to pay the ſame to be bound over to the next Seſſions, where they ſhall be, upon due proofe and hearing the ſaid Parties, ordered to pay the ſaid Rents and profits to the church-wardens, and collectors aforeſaid, who ſhall diſpoſe of the ſame according as it ought to be diſpoſed of, and thereby eaſe the Pariſh of ſo much of the charge, and ſhall yearly accompt for the ſame in their Accompts as church-

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wardens; Provided that this Ordinance, as to the repairing of churches shall not extend to Parishes, or chappelries where the churches or chappels are totally subverted or ruined by these unhappy wars, extremity of age, or other casualties, nor to any cathedralls, or collegiate churches, which are onely to be repaired as formerly they have beene used and accustomed. And lastly it is Ordained, That all offences against this Ordinance shall and may be enquired of, heard, and determined before his Majesties Justices of Assize, of Oyer and Terminer, or Goale delivery, or before the Justices of the Peace of any county, city, or Towne corporate, where any such offence shall be committed by proofe of Witnesses upon Oath, which the Justices aforesaid shall hereby have power to administer, and at their generall Sessions of the Peace by Indictment, Information, or otherwise, as the case shall require, wherein no wager of Law, Essoyne, Protection, or Injunction shall be admitted or allowed. And it is further Ordered by the Lords and Commons aforesaid, That all and every Sextin, or Parish-clerke within any of the Parishes aforesaid, shall have their due Fees from the severall Parishes, to be Ordered and recovered by Warrant from the Justices in such manner as the Rates made for church-wardens are Ordered to be leavied by this Ordinance; and that they be elected and chosen in such manner as formerly in every Parish hath been accustomed.

Joh. Brown, Cler. Parliamentorum.

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